

Notice of Allowability

Application No.

10/617,996

Examiner

Victor K. Hwang

Applicant(s)

TURNBULL ET AL.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed July 28, 2006.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20061012.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

JEROME DONNELLY
PRIMARY EXAMINER



EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark D. Schneider on October 12, 2006.

2. The application has been amended as follows:

In the Claims:

- A) Amend claim 1 as follows:

1. (Currently amended) An exercise system for use within a vehicle, comprising in combination:

- a vehicle having a passenger compartment, the passenger compartment including a floor and at least a driver's seat, and

- an exercise apparatus including a frame and an exercise device positioned on the frame, the frame ~~directly contacting~~ mounted to the floor of the passenger compartment proximate a rear of a vehicle seat that is positioned within the passenger compartment so that an individual positioned in the vehicle seat may use the exercise apparatus while in the vehicle seat.

B) Amend claim 10 as follows:

10. (Currently amended) An exercise system for use within a vehicle,
comprising in combination:

a vehicle having a passenger compartment, the passenger compartment including
a floor and at least a driver's seat, and

an exercise apparatus including a frame and an exercise device positioned on the
frame, the frame being positioned proximate the rear of a vehicle seat that is positioned in
the passenger compartment so that a person positioned in the vehicle seat may use the
exercise device while in the vehicle seat, the frame including a pair of base members
~~positioned directly on~~ mounted to the floor, a support leg extending from each base
member and a crossbeam that is connected to and extends between each support leg.

C) Amend claim 15 as follows:

15. (Currently amended) An exercise system for use within a vehicle,
comprising in combination:

a vehicle having a passenger compartment, the passenger compartment including
a floor and at least a driver's seat, and

an exercise apparatus including a frame and an exercise device, the frame being
positioned proximate the rear of a vehicle seat that is positioned in the passenger
compartment so that a person positioned in the vehicle seat may use the exercise device
while in the vehicle seat, the frame including a pair of base members positioned directly
on the floor, a support leg extending from each base member and a crossbeam that is

connected to and extends between each support leg, each support leg including a mounting fixture and being rotatable with respect to its base member and the crossbeam, the crossbeam having adjustment means such that the dimensions of the frame may be modified by a user, the exercise device being removably secured to the mounting fixture.

D) Cancel claim 29.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.


The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
October 12, 2006


JEROME DONNELLY
PRIMARY EXAMINER